

REMARKS

Claims 1-51 are pending in the above application. By this amendment, claims 9, 25, and 45 have been amended. No new matter has been added.

In the Office Action, claim 9 was objected to because of informalities. Claims 25 and 45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang et al. (U.S. Patent No. 6,966,000).

Reconsideration and allowance of claims 1-51 is respectfully requested in view of the claims amended herein and the following remarks.

Objection

Claim 9 has been objected to because of informalities. Specifically, due to a typographical error, claim 9 erroneously depended from itself. Applicant has amended claim 9 to properly depend from claim 8. Accordingly, Applicant respectfully requests the objection be withdrawn.

Rejections - 35 U.S.C. § 112, second paragraph

Claims 25 and 45 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 25, replacing "plurality of processors" with "plurality of controllers." Further, Applicant has amended claim 45, replacing "remote machine" with "remote customer machine." Applicant submits that these amended claim terms have appropriate antecedent

support. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 112, second paragraph rejections be withdrawn.

Rejections - 35 U.S.C. § 102(e)

Applicant respectfully traverses the 35 U.S.C. § 102(e) rejection of claims 1-51 based on Zhang et al. Zhang et al. fails to disclose all of the elements of independent claims 1, 24, 27, 30, 39, 43, 44, 49, 50, and 51.

In particular, Zhang et al. does not disclose "delivering a first enabling signal to an intermediary" and "delivering a second enabling signal to said machine in response to said first enabling signal" as recited by independent claim 1. Claim 1 requires a first enabling signal and delivery of a second enabling signal in response to the first enabling signal. In contrast to the features claimed, Zhang et al. discusses "generating an access grant in response to a qualified access request," but does not disclose a first and second enabling signal. Thus, Zhang et al. teaches only one access generated in response to a qualified access request, not both a first and second enabling signal as recited by independent claim 1. Thus, since "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), Zhang et al. fails to anticipate all of the elements of independent claim 1. For at least this reason, Applicant respectfully requests allowance of claim 1 and all claims dependent therefrom.

Further, Zhang et al. does not disclose "distributing at least a portion of said enabling signal to a plurality of controllers located on said remote machine" as recited by independent claim 24. The Examiner suggested that this feature is contained in

Zhang et al. in column 5, lines 45-67, but Applicant respectfully disagrees. The feature is not contained anywhere in Zhang et al. Column 5, lines 45-57 of Zhang et al. teaches a method for granted access to use of a resident software option in a device, but does not teach that a signal used to grant that access be distributed to a plurality of controllers located on the device. Thus, Zhang et al. fails to anticipate all of the elements of independent claim 24. For at least this reason, Applicant respectfully requests allowance of claim 24 and all claims dependent therefrom.

Further, Zhang et al. does not disclose “identifying a failed processor associated with said replacement processor” as recited by independent claim 27. The Examiner suggested that this feature is contained in Zhang et al. in column 6, lines 7-40, but Applicant respectfully disagrees. The feature is not contained anywhere in Zhang et al. Column 6, lines 7-40 of Zhang et al. teaches a method of enabling a software option on a device via a communications system, but does not contemplate a failed processor and a replacement processor at all. For at least this reason, Applicant respectfully requests allowance of claim 27 and all claims dependent therefrom.

Further, Zhang et al. does not disclose “disabling said software option” and “establishing an entitlement in response to said disabled characteristic” as recited by independent claim 30. The Examiner suggested that these features is contained in Zhang et al. in column 6, lines 7-40 and column 7, lines 1-47, but Applicant respectfully disagrees. These features are not contained anywhere in Zhang et al. The sections of Zhang et al. cited by the Examiner deal with a method of enabling a software option on a device via a communications system, but the method is directed to enabling a software option, not disabling a software option, and the method of Zhang et al. does

not contemplate a method for establishing an entitlement in response to a disabled characteristic at all. For at least this reason, Applicant respectfully requests allowance of claim 30 and all claims dependent therefrom.

Further, Zhang et al. does not disclose “enabling said software option during a trial period” as recited by independent claim 39. The Examiner suggested that this feature is contained in Zhang et al. in column 7, lines 20-47, but Applicant respectfully disagrees. The feature is not contained anywhere in Zhang et al. Column 7, lines 20-47 of Zhang et al. teaches monitoring a customer’s usage of the option according to a set of predetermined access grant terms. This does not teach a trial period, in which the customer may use a software option on a trial basis before submitting an access request or receiving an access grant. For at least this reason, Applicant respectfully requests allowance of claim 39 and all claims dependent therefrom.

Further, Zhang et al. does not disclose “receiving a request to disable said software option” and “receiving a disabled characteristic associated with said software option” as recited by independent claim 43. The Examiner suggested that these feature are contained in Zhang et al. in column 6, lines 7-40, and column 7, lines 1-47, but Applicant respectfully disagrees. These features are not contained anywhere in Zhang et al. Column 6, lines 7-40 and column 7, lines 1-47 of Zhang et al. teaches a method of enabling a software option on a remote machine after authorizing a user’s request, but the method taught does not include receiving disabling requests nor receiving disabled characteristics associated with the software option. For at least these reasons, Applicant respectfully requests allowance of claim 43 and all claims dependent therefrom.

Further, Zhang et al. does not disclose “receiving a request by a manufacturer from a dealer” and “authorizing said request in response to a dealer characteristic and a machine characteristic” as recited by independent claim 44. The Examiner suggested that these features are contained in Zhang et al. in column 7, lines 20-47, but Applicant respectfully disagrees. These features are not contained anywhere in Zhang et al. The method taught in Zhang et al. contemplates a two-party transaction including a customer node connected to a single centralized facility. Independent claim 44 requires at least a three-party transaction between a remote customer machine, a dealer, and a manufacturer. Zhang et al. does not contemplate an interaction between a remote customer machine, a dealer, and a manufacturer at all. For at least these reasons, Applicant respectfully requests allowance of claim 44 and all claims dependent therefrom.

Further, Zhang et al. does not disclose “establishing a machine specific configuration” and “generating a request to enable said software option in response to said machine specific configuration” as recited by independent claim 49. The Examiner suggested that these features are contained in Zhang et al. in column 4, lines 23-57, and column 5, lines 45-67, but Applicant respectfully disagrees. These features are not contained anywhere in Zhang et al. The sections of Zhang et al. cited by the Examiner discuss the type of remote machines contemplated (medical imaging systems) and a method of remotely granting access to resident options. These sections do not contemplate a method of establishing the machine specific configuration and then generating a request to enable a software option where the request is in response to the machine specific configuration. Thus, since “a claim is anticipated only if each and

every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), Zhang et al. fails to anticipate all of the elements of independent claim 49. For at least these reasons, Applicant respectfully requests allowance of claim 49 and all claims dependent therefrom.

Further, Zhang et al. does not disclose "establishing a need for said software option on said first machine" and "disabling said software option on said second machine in response to said request" as recited by independent claim 50. The Examiner suggested that these features are contained in Zhang et al. in column 7, lines 20-47 and column 6, lines 7-40, but Applicant respectfully disagrees. These features are not contained anywhere in Zhang et al. Zhang et al. teaches a method for enabling software on a remote machine using a centralized facility. It does not teach the establishing of a software need on a first machine while disabling a software option on a second machine. For at least these reasons, Applicant respectfully requests allowance of claim 50 and all claims dependent therefrom.

Further, Zhang et al. does not disclose "an intermediary configured to receive said first enabling signal, authenticate said signal, and responsively deliver a second enabling signal to said machine in response to said first enabling signal" as recited by independent claim 51. The Examiner suggested that this feature is contained in Zhang et al. in column 5, lines 1-45, but Applicant respectfully disagrees. The feature is not contained anywhere in Zhang et al. As discussed above with respect to claim 1, Zhang et al. teaches "generating an access grant in response to a qualified access request," but does not contemplate an intermediary receiving a first enabling signal,

authenticating the signal, and delivering a second enabling signal. For at least this reason, Applicant respectfully requests allowance of claim 51 and all claims dependent therefrom.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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